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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**SMITH & NEPHEW, INC. and JOHN O.
HAYHURST, M.D.,**

Civil No. 04-00029- MO

Plaintiffs,

JUDGMENT

v.

ARTHREX, INC.,

PATENT CASE

Defendant.

This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict on June 11, 2008. In accordance with that verdict, therefore,

IT IS HEREBY ORDERED AND ADJUDGED that judgment be and is hereby entered in favor of the plaintiffs, Smith & Nephew, Inc. and John O. Hayhurst, M.D., and against the defendant, Arthrex, Inc., that: Arthrex indirectly infringes claims 1, 2, 3, 4, 5, 6 and 7 of U.S. Patent No. 5,601,557 (“the ‘557 patent”) by selling or marketing its Bio-SutureTak anchors; that Arthrex indirectly infringes claims 1, 2, 3, 4, 5, 6 and 7 of the ‘557 patent by selling or marketing its PEEK SutureTak anchors; that Arthrex indirectly infringes claims 1, 2, 3, 4, 5, 6 and 7 of the ‘557 patent by selling or marketing its PEEK PushLock anchors; that Arthrex indirectly infringes claims 1, 2, 3, 4, 5, 6 and 7 of the ‘557 patent by selling or marketing its Bio-PushLock anchors; that Arthrex’s indirect infringement of the ‘557 patent is willful; that based on the sales information presented at trial, the court enters judgment in favor of the plaintiffs and against defendants in the amount of \$4,788,014.00 for lost profits damages and \$9,907,844.00 for reasonable royalty damages, and the reasonable royalty rate is 16%.

DATED: _____

UNITED STATES DISTRICT JUDGE

Submitted by:

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